

# **Exhibit A**

**SUPPLEMENTAL DECLARATION OF MICHAEL VRTIS**

I declare under penalty of perjury that the following is true and correct:

1. My name is Michael Vrtis. I am competent to make this declaration and over the age of 18.

2. I am President of Realgy, LLC (“Realgy”). As President, I perform various job duties that support the operations of Realgy.

3. This declaration is based on my personal knowledge and review of business records generated and maintained by Realgy in the ordinary course of its regular business and made at or near the time by, or from information transmitted by, someone with knowledge. As part of my job duties, I routinely view, search, and interpret the records I rely upon to make this declaration. I could and would competently testify to the matters discussed herein if called and sworn as a witness.

4. As stated in my March 22, 2022 declaration (“Prior Declaration”), Realgy reviewed its outbound calls logs, which are kept in the ordinary course, and has no record of ever directly calling Roberta Lindenbaum’s 216-407-2902 or 216-381-5581 phone numbers (the “Subject Numbers”), including on November 26, 2019 and March 3, 2020. That was not surprising because Realgy does not, and has never conducted, telemarketing itself, as I previously explained. Realgy makes calls unrelated to marketing, limited to customer services calls to customers and other one-off calls related to business, such as calls to vendors and service providers. All of these calls are made with desk phones that lack the ability to send prerecorded messages.

5. Nor was it surprising that Realgy had no records to produce to show it did not make any calls to the Subject Numbers. Realgy’s system contains only records of calls that occurred.

6. I, along with my office manager, conducted the search for records mentioned in the prior paragraphs and reviewed the results for the same. Specifically, we reviewed logs of calls,

which are maintained in the ordinary course, to confirm that there was no record of calls to the Subject Numbers. And as stated in my Prior Declaration, I am personally familiar with Realgy's record keeping practices, including because I am the President of Realgy.

7. I previously explained that between November 1, 2019 and April 1, 2020 ("Subject Period"), Realgy hired an independent contractor named Yorisdidi Marketing ("YM") to run a telemarketing campaign. Realgy did not: (a) terminate, hire, train, or supervise YM's employees or representatives; (b) determine the days and hours of its operations; (c) provide office space or equipment; or (d) supervise YM's activities on a day-to-day basis. YM also only possessed access to an electronic system that allowed it, as an outside party, to submit information about potential customers or sales to Realgy. YM did not have access to any of Realgy's records, billing systems, administrative systems, email system, cloud storage, or any other back-end systems regarding the energy services it provides.

8. For the YM campaign, Realgy instituted several quality controls. In particular, Realgy: (a) required YM to disclose the names of the individuals working on the campaign, including whether they any had prior regulatory complaints; (b) provided general scripts; (c) and could audit sales and calls. Realgy could also ask YM to remove an individual from working on the Realgy campaign; however, Realgy could not ask YM to terminate any individuals from employment or otherwise stop them from performing other work.

I declare under the penalty of perjury that the foregoing is true and correct under the laws of the United States of America.

Executed this 15 day of May 2022, in Connecticut.

  
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Michael Vrtis